

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Woodside Square Limited
Partnership, individually and on
behalf of all others similarly situated,

Plaintiff,

No. 09-13541

v.

Hon. Nancy G. Edmunds

City of Romulus, a municipal corporation,

Defendant.

_____ /

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Woodside Square Limited Partnership, individually and on behalf of all others similarly situated, filed suit against Defendant City of Romulus, a municipal corporation, in the Circuit Court for the County of Wayne. Defendant filed a notice of removal to this Court on September 8, 2009. Defendant's notice for removal is timely under 28 U.S.C. § 1446.

While alleged violations of 42 U.S.C. § 1983 and the U.S. Constitution are cognizable in this Court pursuant to 28 U.S.C. § 1343, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1367(c), all of plaintiff's state law claims including, without limitation, claims of violation of the Michigan Constitution (Count I), and claims

for restitution/assumpsit (Count II) are hereby REMANDED to Wayne County Circuit Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 17, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 17, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager